Government of Andhra Pradesh
Abstract

The Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989-Amendments- Final Notification - Orders-Issued.

REVENUE (EA&AR) DEPARTMENT

G.O.MS.No. 271 Dated: 01-07-2016

Read the following:

1. Andhra Pradesh Rights in Land and Pattadar Pass Books (Amendment) Act, 2016 (Act No.10 of 2016).
2. G.O.Ms.No.229, Revenue (EA&AR) Dept, Dated:01.06.2016
3. From CCLA,A.P. Hyderabad, Lr.II(2)/ROR/712B/2015, Dated:06.05.2016
4. G.O.Ms.No.570, Revenue(DOA&R) Dept, Dated:8.6.1989.
5. G.O.Ms.No.255, Revenue (EA&AR) Dept, Dated:18.06.2016.

ORDER:

In the G.O. 5th read above, a preliminary notification has been issued proposing amendments to the Andhra Pradesh Rights in Land and Pattadar Pass books Rules, 1989 and the same was published in the Extraordinary Gazette No.53, dated: 18-06-2016 for inviting objections and suggestions from the persons likely to be affected thereby before expiry of a period of (12) days from the date of publication of the notification of Andhra Pradesh Gazette.

2. And whereas, the copies of Gazette containing the said notification were made available to the public on 18-06-2016.

3. And whereas, certain suggestions were received from the President, A.P. Raithanga Samakhya, Eluru, West Godavari District on the said rules with regard to attachment of copy of FMB to Title deed cum Pattadar Passbook. These were examined and it was decided that these can be considered only after completion of computerisation of Survey Department.

4. Accordingly, the following Notification will be published in an Extra-Ordinary Issue of the Andhra Pradesh Gazette dated:01-07-2016.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 11 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (Act 26 of 1971, the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 as the same having been previously published in an Extraordinary Issue of the Andhra Pradesh Gazette, dated: 18th June, 2016, as required under sub section (1) of section 11 of the said Act.

AMENDMENTS

In the said rules

1. clause (d) of rule 2 shall be omitted.

2. For rule 3, the following shall be substituted, namely :-

   "**3 Form of Record of Rights:** The Record of Rights shall be prepared initially in Form-I and subsequently maintained in Form-I B for every separate Revenue Village".

3. In rule 18,

(i) for sub rule (2) the following shall be substituted, namely:-

"(2) The intimation of acquisition of rights to Tahsildar under section 4 (1) by any individual shall be in Form VI A either at a Citizen Service Centre (eg. MeeSeva Centre) or Online (as and when the facility is available). An acknowledgement shall be given to the individual. Registering Officer of Registration Department shall send intimation to the Tahsildar under section 4 (2) electronically by transferring the data to the electronically maintained Record of Rights on real time basis. The

intimation by the Revenue Officer responsible for preparation of Village Records as per section 4 (3) shall in Form VI D".

(ii) In sub rule (3), after clause (c), the following shall be added, namely:-

"(d) If the order is as per the request made in the intimation or where no order is passed within the stipulated period, the draft amendment to Form-I-B, copy of which was enclosed to the notice in Form VIII shall become final automatically in the electronically maintained Record of Rights.

(e) If the order is in variance to the draft amendment to Form I-B, the draft shall be suitably modified in the electronically maintained Record of Rights as per the order."

4. In rule 19,for sub rule (1), the following shall be substituted, namely :-

"(1) The notice referred to in sub section (3) of section 5 shall be in Form VIII generated electronically. A copy of the draft amendment to Form I-B, generated electronically, as per the intimation received shall be enclosed to the notice. While preparing the draft amendment to Form I-B**,** the procedure for notation of new sub divisions notionally given in para 15 of BSO-34 A, extracted along with illustrations in the Annexure, shall be followed.

5. In rule 24, in sub rule (1) for the words "in triplicate," the words, "in triplicate and also electronically" shall be substituted.

6. For rule 26, including the marginal head, the following shall be substituted namely :-

"Title deed cum Pattadar Pass book

26 (1) with reference to Form I-B prepared under rule 14 A, title deed cum pattadar pass books shall be prepared taking a village as a Unit.

(2) The title deed cum pattadar pass book shall be prepared in respect of pattadars and owners and it shall have the same evidentiary value with regard to the title for the purpose of creation of equitable mortgage under the provisions of the Transfer of Property Act, 1882 as a registered document registered by a Registrar of Assurances.

(3) It shall not be compulsory for the pattadars and owners to obtain title deed cum pattadar pass books. It will be optional as per discretion of the Pattadar / Owner. The Registering authority under the Registration Act, 1908 shall not insist for production of title deed cum pattadar pass book for any transaction in respect of the land. Similarly, no credit agency shall insist for production of title deed cum pattadar pass book for the purpose of sanction or discharge of loan.

(4) The format of title deed cum pattadar pass book shall in Form 14

(5) The title deed cum pattadar pass book shall be issued electronically in Telugu (e-title deed cum pattadar pass book). Every entry in the title deed cum pass book shall be presumed to be correct and true unless the contrary is proved.

(6) The tile deed cum pattadar pass book may contain such other details and proforma to be prescribed from time to time by the Commissioner.

(7) The e-title deed cum pattadar pass book along with photograph of the pattadar owner shall be digitally signed by the Tahsildar.

(8) Proper record in respect of issue of title deed cum pattadar pass books shall be maintained by the Tahsildar.

7. For rule 27, the following shall be substituted, namely:-

"**27** Whenever a Court decree about acquisition of title by purchase of land through deeds on plain paper or by oral purchase is received from Court or presented to the Tahsildar for implementing and incorporating changes in the Record of Rights and title deed cum pass books, the Tahsildar shall incorporate changes in the Record of Rights and title deed cum pass book, based on Court decree only after collection of stamp duty and registration fee on the sale price of the land or market value of the land whichever is higher. If the person seeking execution of Court decree claims that he had already paid proper and adequate stamp duty in the Court and produces

certificate issued by the Court to this effect and other evidence to the satisfaction of Tahsildar, the Tahsildar shall demand and collect only registration fee and incorporate changes in the Record of Rights and title deed cum pass books. If the decree is received or produced by or before a Registration Officer or other officers, these officers shall immediately send these decrees to the concerned Tahsildar for necessary action".

8. For rule 31,the following shall be substituted, namely:-

"**31** Any person who loses a title deed cum pass book issued to him (or whose title deed cum pass book is mutilated) can apply to the Tahsildar along with his photograph. The Tahsildar after collecting the prescribed fee, shall issue a duplicate title deed cum pass book, under acknowledgement, duly endorsing on the 1st page of the title deed cum pass book that it is a duplicate copy. The issue of a duplicate title deed cum pass book shall be noted in Form 1-B. In case a duplicate title deed cum pass book is sought to replace a mutilated title deed cum pass book, the mutilated title deed cum pass book shall be surrendered to the Tahsildar for cancellation / destruction".

9. In rule 33, the words "Survey Settlements and Land Records" shall be omitted.

10. In Annexure and amendments in certain Forms are annexed to this Order.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.C.SHARMA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing and Stationery and Stores Purchase,(Publication wing) Andhra Pradesh, Hyderabad for publication in the Andhra Pradesh Gazette and he is requested to supply 200 copies of the Notification to this Department and 300 copies to the Special Chief Secretary and Chief Commissioner and Land Administration, A.P., Hyderabad.
The Special Chief Secretary and Chief Commissioner and Land Administration, A.P., Hyderabad.
The Commissioner, Survey, Settlements and Land Records, A.P. Hyderabad.
The Inspector General, Registration and Stamps, A.P. Hyderabad.
Copy to:
The PS to Principal Secretary to Hon'ble Chief Minister, A.P. Secretariat, Hyderabad.
The OSD to Deputy CM(Rev), A.P. Secretariat, Hyderabad.
The PS to Chief Secretary, A.P. Secretariat, Hyderabad.
The PS to Special Chief Secretary to Govt.,(Revenue-Lands) A.P. Secretariat, Hyderabad.
The PS to Special Secretary to Govt., Revenue (Regn. & Stamps) Dept., A.P. Hyderabad.
The Law (H) Dept.

//FORWARDED: BY ORDER//

SECTION OFFICER